IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated: Nainital: the 22nd day of June, 2004
Crl. Bail Application No. 512 of 2004

Order on the Bail Application:

CRIMINAL SIDE

Lalit Bhatt, S/o Shri Dharamanand Bhatt,
R/o Village Huti,
P.S. Huti,
District Varchula (Nepal).

…… Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of Case Crime No. 441 of 2003
Under Sections: 20/22 N.D.P.S. Act
Police Station: Dharchula,
District: Pithoragarh.

Hon'ble P.C. Verma, A.C.J.

Heard Mr. Lokendra Dobhal, learned counsel for the applicant and learned Government Advocate.

The applicant is facing prosecution for the offence punishable under section 20/22 N.D.P.S. Act in case crime No. 441 of 2003 at Police Station Dharchula, District Pithoragarh.

In this case, the search and seizure was made by the S.H.O. without complying the provisions of Section 50 of N.D.P.S. Act. The reason as provided is that the arrested person did not want to go before the Magistrate and had full faith in the Arresting Officer. Though the reasons are there, but the search and seizure has not been conducted in accordance with the provision of Section 100 CrPC.

Therefore, in my opinion, it is a fit case in which bail may be granted. Accordingly, I direct that the applicant namely Lalit Bhatt be

released on bail on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the C.J.M., Pithoragarh.

(P.C. Verma, A.C.J.)

Dt. 22.06.2004

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